



## *Minutes*

Board of Commissioners  
August 29, 2013  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on August 29, 2013 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

**Commissioners Present:**

Steve Brown, Chairman  
Charles Oddo, Vice Chairman  
David Barlow  
Allen McCarty  
Randy Ognio

**Staff Present:**

Steve Rapson, County Administrator  
Floyd L. Jones, County Clerk  
Tameca P. White, Deputy Clerk  
Dennis Davenport, Interim County Attorney

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**Call to Order, Invocation, Pledge of Allegiance**

Chairman Brown called the August 29, 2013 Board of Commissioners meeting to order at 7:02 p.m.

Commissioner Barlow introduced Mr. Randy Weaver and asked him to offer the Invocation. Mr. Weaver offered the invocation.

Commissioner McCarty led the audience in the Pledge of Allegiance.

**Acceptance of Agenda**

Chairman Brown moved to accept the Agenda as published. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

**PRESENTATION / RECOGNITION:**

**1. Resolution recognizing the Cancer Wellness Walk Committee and to proclaim the month of September 2013 as Cancer Wellness Month.**

Commissioner Barlow read the Cancer Wellness Walk Committee Resolution on behalf of the Board. Copies of the request and Resolution, identified as "Attachment 1", follow these minutes and are made an official part hereof.

**2. Proclamation of September 1, 2013 as “Judge Charles Floyd Day.”**

Commissioner McCarty read the proclamation of September 1, 2013 as “Judge Charles Floyd Day” on behalf of the Board. Copies of the request and proclamation, identified as “Attachment 2”, follow these minutes and are made an official part hereof.

**3. Proclamation of September 14, 2013 as Fayette’s Biggest Food Drive.**

Commissioner Barlow read the proclamation declaring September 14, 2013 as Fayette’s Biggest Food Drive on behalf of the Board. Ms. Arwen Mulliken said Fayette’s Biggest Food Drive was an incredible opportunity for the Fayette community to unite for one cause in filling a tractor trailer full of food that will supply many pantries. She added that this effort would help the most vulnerable and hurting among Fayette County; including senior citizens. She spoke about all the different organizations that have partnered in this effort, and she asked all the citizens to bring food to the trailer and to participate in a history-making event. Copies of the request and proclamation, identified as “Attachment 3”, follow these minutes and are made an official part hereof.

**4. Presentation of Citizen Life Savings Awards and Fire Department Unit Citations.**

Fire Chief David Scarbrough told how citizens and first responders worked to save the life of a young girl-Ty’ana Bridges.

Chief Scarbrough then presented Citizen Life Savings Awards to Mr. Chris Carter, Mrs. Liz Wolka, Mr. John Wolka and Mr. Tyson Bridges. Chief Scarbrough also presented Fire Department Unit Citations to Battalion Chief Craig Woods; Lt. Stephen Teague, Firefighter / EMT William Lay; Firefighter / EMT Joshua Frasier and Firefighter / Paramedic Richard Ryckley. The Citizen Life Safety Award recognizes a citizen or group who has contributed in an exemplary manner to the public or the department. The Unit Citation is awarded to any group of two or more fire department members who make up a company, sector, team, or employee work group that has performed in an outstanding manner worthy of recognition.

The Fire Department also provided Ms. Jennifer Bridges and Ty’ana with gifts and flowers for all they have gone through. A copy of the request, identified as “Attachment 4”, follows these minutes and is made an official part hereof.

**5. Recognition and presentation of Fire Department Rescue Award by Board of Commissioners.**

Deputy Fire Chief Tom Bartlett gave the presentation of the Fire Department Rescue Award. He spoke about how Lt. Stephen Teague and Firefighter / EMT William McKoon responded to a building fire. When they arrived, the house was well involved in fire and there were reports of a person trapped in the house. They aided Fayetteville units in breaching a window, locating the victim, and assisting with the removal and resuscitation of an unresponsive adult female who had no pulse. He said their efforts had a direct impact on her recovery.

Deputy Fire Chief Bartlett then presented the Fire Department Rescue Award to Lt. Teague and Firefighter / EMT McKoon, and he explained that the award was a bar that they will wear on their uniform signifying that they have participated and been instrumental in a rescue. A copy of the request, identified as “Attachment 5”, follows these minutes and is made an official part hereof.

**6. Recognition of Fayette County Medal Winning Boxers.**

Chairman Brown recognized Fayette County's Medal Winning Boxers: Diego Casillas, Rayshawn Boone, and Jessica Kurtz. Mr. Todd Gardner, owner of PTC Combat Fitness, spoke about each boxer and their accomplishments. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

**PUBLIC HEARING:**

**7. Public Hearing and submission of Resolution 2013-15 for adoption of the proposed 2013 Property Tax Millage Rates.**

Chief Financial Officer Mary Parrott gave a PowerPoint presentation on the proposed 2013 Property Tax Millage Rates.

County Administrator Steve Rapson stated that the County's currently balanced budgets are incorporated using the millage rates. He explained that by passing the millage rates, the County's budget would not change at all.

No one spoke in favor of or in opposition to the proposed 2013 Property Tax Millage Rates.

Commissioner Barlow moved to accept the presentation of the digest and millage rates as presented by Chief Financial Officer Mary Parrott, and to adopt Resolution 2013-15. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copy of the request and PowerPoint presentation, identified as "Attachment 7", follow these minutes and are made an official part hereof.

**8. Public Hearing on the proposed Core Infrastructure Special Purpose Local Option Sales Tax (SPLOST) project list.**

County Administrator Steve Rapson briefly commented on the Core Infrastructure Special Purpose Local Option Sales Tax (SPLOST) project list, and how information for the SPLOST project list could be obtained. He pointed out that the SPLOST project list would be up for a vote on September 5, 2013.

**Dennis Chase:** Mr. Chase spoke for approximately twenty minutes about his concerns with the proposed Core Infrastructure Special Purpose Local Option Sales Tax project list. He told the Board that he began working for the Fish and Wildlife Service in 1968 where he worked for a group called River Basin Studies, and that his extensive work experience helped to reinforce his comments on this topic. Mr. Chase explained that the Clean Water Act was put into place to deal with many issues including stormwater runoff, and he said the Environmental Protection Division requires every state and community to deal with stormwater runoff issues since they involve such complex issues that the federal agencies could not begin to address them all. He explained that there are a number of requirements in each permit that is issued to counties, that the counties are expected to adhere to the requirements, and that one of the first requirements is to identify every structure that impacts stormwater runoff; meaning every culvert, every drop structure, every detention pond, every retention pond, and anything else that produces changes in water movements. He stated that those structures are included in the "infamous list" that he has been asking for since April 2010, when meetings about establishing a Stormwater Utility were held and references were made that there were \$3 million worth of project work that needed to be done. He told the Board that it took until July 2013 for him to obtain the list, and the reason he wanted the list was for staff,

the county, and its citizens to understand exactly what is going on with runoff from parking lots and homes, in order to design what it takes to address those watershed and water runoff issues. He said the design usually resembles a Stormwater Drainage Plan, which is a very specific plan that looks at each watershed and at what is happening within those watersheds. Mr. Chase told the Board prior to being presented with the Core Infrastructure SPLOST list he was given two different sets of information: 1) a massive Excel document containing more than 500 pages of data that was almost useless, and 2) a list and a set of 36 maps of grids across unincorporated Fayette County, and the maps delineated between drop structures and culverts or pipes. He said the pipes were rates as "poor" or "failing," but he had no idea which projects were the most significant. He reported that he and Water System Director Tony Parrott spent a day together, stopping at sixty different locations and looking at thirty-seven pipes and eighty-seven drop structures. Mr. Chase said that from visiting those sites, he was able to get a little bit of an idea of what was being proposed by the County, and that the proposals bothered him. He told the Board that at many of the locations he questioned: "Why are we here?" He explained that he saw no reason to replace perfectly good pipes. Mr. Chase told the Board that he had heard the comment made several times that a 25-year-old metal pipe should be replaced, but he countered that the notion was wrong. He explained that a metal pipe that is 25-years old and that is constantly carrying a source of water breaks down, but that metal pipes that carry water for only a few hours at a time during a rainstorm do not need to be repaired. He informed the Board that he has two metal pipes on his property, that the pipes have been there for almost 40 years, and that he expects they will remain for another forty years. Mr. Chase said that after the Core Infrastructure SPLOST list was released, he drove to thirty sites and again found himself asking: "Why am I here?" He agreed that some of the sites needed repair, but he had no idea what it meant for various locations. Mr. Chase then detailed some of the sites that he visited and his conclusions of the various locations. He suggested that if the County was going to have a project list that it should make sense, and he told the Board that he could support a list with the following four projects: 1) Brittany Way, 2) Emerald Lake and Dam, 3) Koziak Dam, and 4) Longview Dam. He suggested the four projects could be completed for about \$1,818,000. Mr. Chase indicated that he could vote for a SPLOST list that only included those four projects, and he urged the County to begin a complete analysis of all its watersheds. He thought the Board did not know all of the issues, that it was racing to "fix something, and that it was about to make 167 mistakes. He consented that temporary fixes could be made, but he urged the Board to do the needed analysis that the Environmental Protection Division expects. He further suggested that the County had identified problems, was trying to collect the money to fix the problems, but had skipped all the planning steps that were needed. He said when he brought these and other concerns to the Board; he appeared in newspaper articles that mentioned that the County was "looking at upstream and downstream impacts." He informed the Board that he was immediately contacted by County Administrator Steve Rapson who wanted to talk about the issues. Mr. Chase said he told Mr. Rapson that he would be more than glad to talk about the issues, but that he needed a copy of the Stormwater Drainage Plan. He said he received an email back from Mr. Rapson suggesting a meeting with Environmental Programs Engineer Brian Keller who would brief him on everything. Mr. Chase stressed that there is no Stormwater Drainage Plan available, and that he would continue to believe that there is no plan in place until it is in his hands. Mr. Chase closed his comments saying he had spent 26 years as a bureaucrat, that he became an expert in giving non-answers to people, and that he thinks he has been receiving a lot of the non-answers, misdirection, and avoidance of answering questions from many people in Fayette County. He did not feel non-answers were appropriate for a Board desiring to be open and honest with the public, and he said he needed evidence instead of only words.

**Oswaldo Sanchez:** Mr. Sanchez said his property was located at Brittany Way, and that it appeared he received Mr. Chase's blessing for his property. Mr. Sanchez reported that water rises about ten inches above the street, and he showed pictures of the problems that he is experiencing on his street and around his home. Mr. Sanchez agreed with Mr. Chase that the stormwater pipes do not appear to be in bad condition, but that they do seem to be severely undersized. He said neighborhood kids once thought his property was a lake and would play in the water at his house while running a risk of being drowned. He knew there were people who opposed increases in taxes, even temporary SPLOST taxes, but he asked what other options were available. He suggested that Fayette County could obtain funds from everyone who shops in the county, or projects could be funded through a fee system. He closed his comments saying he has lived in the area for about seven years and that his house has flooded about six or seven times; three of which have occurred this year. Copies of the pictures provided by Mr. Sanchez, identified as "Attachment 8", follow these minutes and are made an official part hereof.

**William Grant:** Mr. Grant said he has lived on Brittany Way since August 1978. He said his house has a full basement and when he moved into the house a number of boxes were placed in that basement. He told the Board that in September 1978 he had over a foot of water flood into his basement. He stated that there have been several meetings about the drainage water, and that he has mentioned that he has constructed a two-foot wall around his basement door; meaning he has basically lost the use of his basement. Mr. Grant said a former county employee came to his house a number of years ago and saw the water problems during a rain storm. He said the problems return every time it rains. He explained that his house has two sets of windows, and the rain waters will rise to the second set of those windows; meaning the water is about 2 ½ feet deep. He mentioned that there are times when the water has run over his two-foot protective wall for his basement, and it requires him to pump out of his basement. Mr. Grant said he did not know how much he has lost due to water damage, but that his greater concern was that he could not sell his house if he wanted to since nobody would want to buy it. He suggested that if he sold the house, he would have to sell it for about half of what it is worth. He closed his comments by asking County to take a hard look at this issue and to approve trying to get something done.

**Leonard Terrell:** Mr. Terrell said he read in the paper that the County would repair three private dams, and he asked if that was true. Chairman Brown replied that two of the dams have county roads over them; therefore, they are the county's responsibility. The Chairman added that the third dam could create "a breach situation" or could be restored. Mr. Terrell asked again if the County was going to repair private dams. County Administrator Steve Rapson answered that two of the dams are County-owned and are in the right-of-way, and they are totally the responsibility of Fayette County. He said the third dam has some right of way issues and that the County would work with the owner and provide a partial contribution in regards to the right of way with that particular dam. Mr. Rapson verified that there are no private dams being addressed with regard to the Core Infrastructure SPLOST. Mr. Terrell asked how "a hard figure is come up with" with regard to certain projects, and how was it determined how much money was could be involved. Chairman Brown said he would have a staff member explain how the numbers were calculated.

**Tom Waller:** Mr. Waller said he hoped the "zoning people" were listening to the comments because they allowed the owners of those properties to put those subdivisions in, to sell those lots, and now there are a lot of people who are under water. He said it was hard for a "zoning person" to say no to a developer who will sell land for a lot of money but who puts lots in the subdivision that will be under water. Secondly, Mr. Waller pointed out that SPLOST had not passed yet, but the Board seems to be saying "It will pass" and "We will get this done." He reminded the Board that several years ago, the County faced a similar situation called the West Fayetteville Bypass, and he reminded the Commissioners that several of them were elected into office due to the West Fayetteville Bypass. He stated that the West Fayetteville Bypass was

rammed down the peoples' throats, and so much money was spent on the project that the Board had to say "We can't stop it now." He cautioned that the current Board should reconsider this SPLOST effort, and he asked what the Board would do if the effort did not pass. He reminded the Board that the purpose of County government is to take care of roads, but agreed that previous boards had not taken care of the roads. He suggested that this SPLOST effort would not be easily "rammed through" since there are many people who are saying "No more taxes, we've paid enough money in taxes to take care of these roads." He suggested that the roads should be taken care of instead of parks and other ancillary expenditures that Fayette County is making.

**Bob Ross:** Mr. Ross spoke for approximately fourteen minutes on the proposed Core Infrastructure SPLOST project list. Mr. Ross recognized Mr. Dennis Chase, acknowledged that some people may consider him a "thorn", but reminded everyone that he is providing an invaluable service to the citizens without being paid for his efforts. He stated that there may be disagreements with Mr. Chase's findings but that he has spent a lot of personal time going throughout the County and being the County's conscience on many issues. Mr. Ross suggested that if the Board's had listened to Mr. Chase in past years then perhaps the Board would not be looking at pictures of Mr. Sanchez's yard and hearing of flooded basements. He then looked to Mr. Chase and said he appreciated his effort. Mr. Ross said he had heard the concerns, such as a lack of detail and no current Stormwater Drainage Plan, and it seemed to him that it is appropriate to have a plan that is current and measures impacts of water flows. He thought that the County would recognize these obligations since it is a professional county. Mr. Ross also suggested that having the plan "tied up, with all the details and "i"s dotted and "t"s crossed" should not obstruct any necessary steps that need to be accomplished before the plan is completed. He explained that there is an erratically perfect world where everything is measured to exact specifications, and then there is the real world that is viewed in basement pictures and of nature taking its toll. Mr. Ross said he suspected there would be some projects listed in the 181 proposed projects that may not be effective one way or the other. He mentioned that some of the projects lack an engineering study, and questions had just been asked by other speakers about how to obtain information. Mr. Ross suggested that some of the projects involved judgment calls, and he said he would look to Public Works Director Phil Mallon and his staff to make those kinds of judgment calls on a regular basis. Concerning the dams, Mr. Ross agreed that great points were made on the dams, and he understood that there are requirements from the State; meaning the County does not have an option in saying "we will do it or not". He stated that the dams involve the County's right of way and responsibility, and he said that the state demands work to be done or that other options such as draining the dam must be accomplished. Mr. Ross said he went to the County's website about a month ago, and found out that the County had provided him with a list of the projects. He appreciated that the project list was not solely one long list, but that there had been an effort to prioritize the projects in terms of their impact on safety for people and property. He suggested that he may argue on their priority, and he may not agree with some of the material, but at least there is a starting point. He stated that he has been attending Commission meetings since 2009, and has never enjoyed that opportunity to that extent. He emphasized his appreciation of the effort that staff has put into the work, and he said while there may be adjustments at least there is a common point of departure. Mr. Ross said there had been discussion about funding sources, that he did an informal poll at a recent meeting, and several people stated that \$17 million may be a little high or low "but it ought to come out of the money that is in the General Fund since I pay enough taxes in there". Mr. Ross explained that the General Fund has \$61 million in revenues, and if \$17 million was removed from the General Fund then it would reduce the General Fund by a third. He thought it was not possible to take a third of the revenues from an already stripped budget and expect the County to function. He suggested that the County could save some money on parks by lowering them on the priority list, but he understood that the County is not putting \$17 million a year into its parks. Mr. Ross suggested that the County could draw down the General Fund Balance which has \$33 million, but he explained that

would be like someone taking money out of their savings account. He told the Board that he looked at Moody's latest report on Fayette County, and Moody's judges the county on how stable it is as a financial entity. Mr. Ross commented that currently Fayette County is about one notch away from being at Moody's absolute top rating, that it is like having a credit score of 800, and that it means that money can be borrowed for a project at a much lower rate. That said, he mentioned that there are consequences for pulling the money from the General Fund Balance; namely, it would have a negative impact on the County's credit. He mentioned that the Moody's report has a section questioning what could cause the County's rating to decrease, and he told everyone that the given answer was "how the County conducts its financial housekeeping". Mr. Ross suggested a third way to pay for the projects is to impose fees to pay for the projects. He reminded the listeners that this is where the County started on this issue, and that effort got the County to where it is now. Mr. Ross suggested that the County could float bonds and pay them off over time, but that option would bring interest charges meaning that over time the County would pay for the projects and the interest that the bond issuer imposes. Mr. Ross stated that the next option was for tax increases. He acknowledged that he likes living in a good county, and as such it requires working infrastructure; meaning taxes. He reminded the people that he spent the last two years fighting a SPLOST initiative, and so he was looking at this SPLOST initiative very carefully. He said one thing that he does like about this SPLOST effort is that it gives the County an opportunity to collect money from people who are not in Fayette County. He also liked that once the Commissioners put a SPLOST list to the voters, the Board would be locked to that list, and that the money cannot be allocated to anything else. He considered that a safeguard for him and his taxes. He explained that if the economy goes gang-busters and the County collects more money than the projects need, then the SPLOST would terminate and the excess money would be allocated by law to reduce county debt; thus saving interest. Mr. Ross agreed that after hearing from Mr. Chase that the county probably has some homework to do, and if all of Mr. Chase's issues have already been addressed then the County could do a better job of communicating them. He disagreed with Mr. Chase that the County skipped all of the steps between identifying projects and putting a price tag on them, but he agreed that the County might have skipped some. He recognized that there may be a different understanding of what the standards are, and that he always reserves the right to get smarter. He pointed out that Public Works Director Phil Mallon is a hard working engineer, but that he has a very broad breadth of responsibilities and is always willing to learn. He suggested that if there were some downstream considerations that were not taken into consideration by whoever did the engineering, that Mr. Mallon should step up and say "I'll get smarter on it". Concerning approving the SPLOST, Mr. Ross said the things that would cause him to vote in favor of SPLOST is a specific list. Secondly, it would take a public pledge by the five Commissioners to update the County Master Drainage Plan and to put a suspense date on it. He further asked the Board to pledge that the replacement of facilities absolutely warranted action. Mr. Ross asked for the Board to make a public pledge to prioritize infrastructure expenses ahead of discretionary expenses in future budgets. Mr. Ross said he wanted to see a list of options, along with their associated expenses, for dealing with the dams. He thought it would be useful to have county staff put together a quick matrix explaining the impact on a tax payer for the five funding options he described in his earlier in his comments. He closed by saying he was glad these issues were being raised early and that he appreciated the Board's and staff's efforts in these matters.

**Peachtree City Councilman Eric Imker:** Councilman Imker asked if staff had actually been out to the locations for the 181 projects and actually observed the flooding, and if they had not actually seen flooding did they at least anticipate flooding in the areas. He also asked, should the SPLOST pass, how many years into the future would it be before another SPLOST was required. He asked what was the cost of doing a SPLOST now versus raising the money some other way. He said he had already done the cost analysis for Peachtree City and he suggested that the County's cost would be similar to Peachtree City's

options. He acknowledged that the SPLOST was the least expensive option for getting the infrastructure work done since the cost was between \$350 and \$400 per taxpayer in the city, and he believed it would be similar for those living in the County. He added that the advantage from SPLOST was that others from outside the County help pay for expenses. He suggested at raising the millage rate to generate a similar amount of money would effectively double the cost to the average taxpayer, but it may be a permanent solution. He suggested that a General Bond Obligation costs are halfway measure between SPLOST and raising the millage. Mr. Imker suggested other options could include buying time with the reserves and waiting for fair market values to go up. Mr. Imker suggested another option would be to cut something that is in the General Fund budget, and that option would require the politicians to be pinned down and cause them to make detailed cuts. Finally, Mr. Imker stated that the County to use a combination of its options.

Public Works Director Phil Mallon said he worked on the three dam projects. He pointed out that a question was raised on how the costs were calculated, and he answered that the County hired a third-party engineer to develop the "Order of Magnitude Cost Estimate". He told the Board that to properly design and develop a cost estimate, it would take more time than staff had available, not to mention a lot a lot of money just to develop the cost estimate. He said the cost estimate that was produced was based on data that was readily available, and that the engineer developed what staff considered the "most expensive cost option", meaning the dams would be built to a Category I standard. He suggested that if someone read the description of the projects on the SPLOST list they would find that staff was not submitting projects only "to rebuild something, but at times to completely redo projects". He stated that the reports are currently available online, and that if someone contacted him he would provide a hardcopy of the report.

Environmental Compliance Director Vanessa Birrell answered some of the questions that were raised, saying that her staff also had a third-party evaluate a number of the larger projects by incorporating the county's future floodplain and mapping that was recently completed through a three-year Capital Improvement Project. She said one of the requirements was if there was a need to replace a culvert to bring it up to the standard that the County currently requires; namely, to install stormwater infrastructure for a 25-year storm event. She said it was with those considerations that staff "did look up and downstream to the detail that the County could afford". She mentioned that more money was available more analysis could be undertaken. She stated that staff was in the process, and had been in the process of trying to generate a Stormwater Master Plan. She said she currently has an intern helping in the process of gathering data, that she wanted the work to be completed sooner, but limited resources have limited the effort.

Commissioner Ognio asked Mrs. Birrell when she anticipated having the Stormwater Master Plan completed. Mrs. Birrell asked what kind of resources she would be provided. Commissioner Ognio replied that given the track the County is on now that he felt it would take a couple of years to get everything adequately together, but that some of the projects cannot be put off for several more years. County Administrator Steve Rapson replied that the County would have to complete its Floodplain Master Plan, which is in process, but to update the Stormwater Drainage Plan would require quite a bit of effort including hiring some consultants to run different scenarios. He agreed that the work is not a matter of effort, but it is matter of resources and time. He stated that if the County only did the four projects Mr. Chase had advocated for that it would cost \$3 million under Stormwater Utility, and that it would take six years to accumulate enough funds to do only those four projects. He said that is one reason why the County may made considerable effort using consultants, staff, and other resources to develop this 181 project list. He explained that the County has explicit details for 87% of all of the identified projects. He suggested that the detailed information required a huge amount of time and effort in order to educate the public so that it can



make an informed decision. Mr. Rapson added that the reason Fayette County did not get a, AAA Rating from Moody's was solely because of the last two years of deficit spending that the county had entered into. He agreed that there are other options that could be evaluated, but the County took the best estimates that it had using the best resources it had, and it came up with a number that was much less than what was yielded under the typical SPLOST scenario of how funds would be allocated. He said the County was only asking for the \$16.8 million, that the County put an effort into in regards to the projects, and the staff is more than willing to discuss the projects with the citizens.

Commissioner McCarty pointed out that the County has already had problems with two of its major roads due to the failing infrastructure. He added that Colorado Springs, Colorado is experiencing the same type of problems, that Fayette County is catching up on twenty years of work that was not done and was not paid for, and that the County currently does not have the ability to pay for the problems. He stated that the County had looked at the most efficient and cost effective way for the citizens without going up on property taxes to get the projects accomplished. He emphasized that he does not like SPLOST and that he hated the earlier SPLOSTs since they did not accomplish anything for the County. He said if the Board had stopped the last SPLOST project, which it could have, it would have been left the County with a four to five mile dirt strip about 100 feet wide, with a missing bridge, that would have washed into every gully and every stream. Further, the county would have cancelled a contract with a contractor, and still have to pay money since there are cancellation clauses in the contract. He acknowledged that the current Board did not have a way to get out of the previous SPLOST, but it did eliminate many of the projects in it that it did not feel were necessary. He said the County has done what it could do to correct much of the damage that was done when they came in. He closed saying other problems that have been discovered, but that the Board would take efforts to fix those problems as well.

Commissioner Oddo agreed with Mr. Ross' comments and thanked Mr. Chase for his comments and work around the County. He said he had spoken to Mr. Chase outside of the meetings, and acknowledged that Mr. Chase has given a lot of time to Fayette County. He stated that whether or not people agree with Mr. Chase, the County could use more people like him and really needs to listen to him. Commissioner Oddo said he was listening since he is not a specialist on this issue, and he said that he was trying to absorb and understand the issues in order to make the best decision possible. He knew that staff had put in a lot of time and that the County has hired engineers and specialists. He said he was listening to Mr. Chase but that he could not think of a better way to address the issue. He stated that he did not appreciate taxes and reminded everyone that he opposed the T-SPLOST, primarily because it did not provide anything for maintenance. Commissioner Oddo said the Board has tried to refine this effort and to make it endure for as short a time as possible. He agreed that the SPLOST earnings have been earmarked solely for maintenance and repairs of County infrastructure that no one else will help with. He mentioned that Fayette County has to take care of the problems, that the problems will not go away, that the problems may be better or worse than what is understood, and that "we will get closer to the truth as we get into this." He emphasized that the County must to do something, and he did not think there was any fairer way than the one-cent tax for two years. He said it would help the County generate money, that out-of-county residents would help in the process, and that it was the best of the worst options available to the Board.

Chairman Brown thanked Environmental Compliance Director Vanessa Birrell and her staff, and he mentioned that she and her staff worked on the July 4, 2013 holiday just to get information out to the public on July 8, 2013. He said that even given staff's effort, the information on the dams could not be completed until a couple of weeks later. Chairman Brown reminded everyone that he never supported the West Fayetteville Bypass project and its SPLOST from the start and that he did not support the Regional Road

SPLOST. He told everyone that he supported the Educational SPLOST because the Fayette County School Board was in such a deep hole that they could not get out of it without having funds. He added that the Fayette County School Board had new Board members who did not put themselves in that position, but they found themselves in a very deep financial hole. Chairman Brown said the Board of Commissioners finds itself in a very similar situation and he pointed out that thirty-two employees were culled from the budget; just to balance the budget and get out of the deficit spending mode. He said that the County has cut so many people from the various departments that if the growth does come back, as indicated, that there would not be enough staff to handle the workload. He said that is an indicator of how much has been cut. He reminded everyone that during the Stormwater Town Hall Meetings that the Board took a beating, and that during the meetings he personally volunteered to go see anybody who wanted the County to address their problem. He agreed that some of the problems were not legitimate, but there were other problems that were very legitimate. Chairman Brown said he went to Mr. Sanchez's house, met with him and his neighbors, and he agreed that when their yard is flooded Mr. Sanchez's kids are up to their waist in water. He thought it was unconscionable that there were people living in those conditions. He said Mr. Sanchez's problem is that the culvert is too small, and it needs to be resized with additional improvements to the area. He said there are a lot of people that he has met personally and visited their properties, and that some of those people have endured problems for years and decades. He continued saying that the County, in its lack of wisdom, never saw fit to address these problems—even though they were glaring problems. He told everyone that the current Board has promised that whenever it sees problems it will own to problems and do something about them, and he told everyone about some of the problems in Fayette County. He said knew the twenty-five year-old pipes can last more than twenty-five years since some of the pipes are forty-five and fifty years old, but that he was concerned with those older pipes with known problems. He agreed that the County does not have everything perfectly laid out, but money is required for better engineering and studies, and that the SPLOST needs to pass in order to have the money for the projects. He concluded that this was the County's attempt to live up to its promise to own the problem and, to help those who have been affected by those problems. He added that if SPLOST did not pass, then the Board would have other slower options, but that the Board was interested in bringing all the projects up to speed and then let the stormwater fees start accounting for some of the reoccurring costs that will be experienced over the years. Chairman Brown spoke about his respect for Mr. Chase and of similar efforts that they experienced while he served as mayor in Peachtree City. He stated that if the County has a project, and if the County thinks it can get three more years out of the project, then the County will let it go three more years. He pointed out that the fees would be considered as Enterprise Funds, and as a result they could only be used for the projects that are on the list. He informed everyone that the dams would have to be paid for anyway, but whether or not the County breaches the dam for \$600,000 or restores the dam for \$1.4 million, it does not have the money either way— and one of options would have to be done. He said the County has pared down the budget so that there is not a lot of give, and it will hurt on the next go around.

The Board took no action on this item. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

**PUBLIC COMMENT:**

**Eileen Zeigler:** Ms. Zeigler said she had a simple desire to be able to have chickens in Fayetteville. She told the Board that there are many myths about chicken keeping, but that all the myths could be debunked. She thought chickens made great pets, and that they should be considered on the list of pets. She said chickens will eat insects, that they will eat ticks and fleas and stinging insects, and that their manure can be composted. She said the decibel noise that a chicken makes is nothing like a dog barking. She mentioned that some areas may discount roosters,

but that roosters would have their place among people who want to do as they will with their properties. She explained that roosters are not needed to get eggs, but eggs and chickens give children more to learn about nature and health and food sources instead of simply getting chickens from a grocery store. She suggested having chickens provides educational opportunities, community development opportunities since people love their chickens and associate together about their chickens, She told the Board that chicken coops can be very attractive, and that *Southern Living* magazine wrote an article on attractive chicken coops. Chairman Brown informed Ms. Zeigler that Commissioner McCarty was in charge of a committee researching the possibility of chickens in Fayette County. He asked Ms. Zeigler to leave her contact information with Commissioner McCarty or staff, and suggested that she could make a great committee member.

**Oswaldo Sanchez:** Mr. Sanchez spoke about the current Water System issues, and he said that at his work, if he was to have dozens of cases of negligence or tasks that were supposed to be done and that were not done, that he would not be wearing his uniform. He said he did not understand why the “individuals were kept”. He stated that he is not a supervisor, but he assured the Board that he would have been let go. He suggested that the people who were responsible for the problems at the Water System are producing unacceptable water that is consumed by the citizens, their children, and their pets. He thought that the Board had decided to keep the individuals in their positions, but he observed that if there is less than excellence from the top then there would be less than excellence down the line. He mentioned that Chairman Brown wanted those individuals removed, that he understood that they were reprimanded, but that he did not understand the reprimands. He closed his comments by agreeing with Ms. Zeigler saying he wanted chickens too, but he hoped they could swim since they may drown during rain storms at his house.

**John Munford:** Mr. Munford said he is a constituent of Fayette County, but that he was not addressing the Board as a constituent. He stated that he had come before the Board as a representative of *The Fayette Citizen* newspaper, to get each Commissioner on the record about the state of the County’s Water System; specifically, what they decided and when. He told the Board that Georgia’s Open Meeting laws “spells out that agencies such as our County Commission can meet in Open Session to hear evidence and argument when it concerns meetings when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action, or dismissal, or periodic evaluation of a public officer or an employee.” Mr. Munford stated that, to date, the newspaper was unaware if such a meeting had taken place prior to last Friday’s press release announcing the penalties handed down to five unnamed Water System employees. He then asked each of the Commissioners to answer five questions on the record, and he told the Board that he hoped each Commissioner would respond during the Commissioners Reports portion of the meeting as the Commission has historically responded to questions raised by its citizens during that time. He added that if the Commissioners were not prepared to respond to the questions, he expected the answers via email no later than Monday at noon. Mr. Munford said the questions and the responses would be published, and that the paper would report those who did not respond. Mr. Munford then asked for responses to the following questions.

- 1) How many times did you meet with the County Administrator about Water System issues both prior to and following the conclusion of his internal investigation?
- 2) How many other Commissioners were in the room at that time, and who were they?
- 3) Exactly what penalties did you advocate for, and why?

4) Are you one-hundred percent sure the penalties enacted will prevent significant issues such as violation of ten Georgia Drinking Water rules, broken and malfunctioning equipment at our water plants, improper raw water testing, improper operations, and a complete lack of documentation of the chemicals put into our water during the treatment, which are required to be kept by Georgia law.

5) What other steps beyond the employee punishment have been taken to ensure our water system gets back on the right track?

**Peachtree City Councilman Eric Imker:** Councilman Eric Imker announced that Peachtree City is hosting the annual fireworks display on August 30, 2013 at Drake Field next to City Hall. He asked for everyone to come out to the field and see the fireworks.

### **CONSENT AGENDA:**

Chairman Brown asked for Items 9 and 10 to be removed from the Consent Agenda.

Chairman Brown moved to approve the Consent Agenda as read with the exception of Items 9 and 10. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

#### **9. Approval of staff's request for the Board to approve an agreement with Coast2CoastRx to allow Fayette County employees and citizens to benefit from a discount program for prescriptions and other medical services.**

Chairman Brown said he would not support this request because there is money that is coming back to the County and to the Association County Commissioners of Georgia (ACCG) from those who use the service. He said he did not feel comfortable issuing the plan, associating the County's name with a plan, and letting a company perform duties with the County's name attached to it. He thought the service could operate without the County's endorsement, and that there is no need for the County to have its name attached to it. Commissioner Barlow asked if the plan was approved by the ACCG, and if the ACCG recommended the plan. Chairman Brown replied that ACCG does recommend the plan, but they also get a kick-back on the funding. He added that the County should be very sensitive to what it endorses.

County Administrator Steve Rapson pointed out that this program was being put forward due to its association with the ACCG and due to the ACCG's endorsement. He stated that both the ACCG and Fayette County would receive royalty payments by entering into the agreement, and that those payments could be used to offset future healthcare contributions. He added that this was not seen as generating a huge amount of revenue for Fayette County, that other counties indicate that they have not had any issues with the service, and that the service just provides another mechanism for citizens to obtain prescription-type medicines. Discussion followed.

Commissioner Barlow moved for the Board to not approve Consent Agenda Item 9— staff's request for the Board to approve an agreement with Coast2CoastRx to allow Fayette County employees and citizens to benefit from a discount program for prescriptions and other medical services. Commissioner Ognio seconded the motion. Discussion followed. The motion to not approve the agreement passed 5-0. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

- 10. Approval of staff's recommendation to enter into an Alliance Memorandum of Understanding with the University of Phoenix that will provide a five percent (5%) tuition reduction to Fayette County's employees who meet the University's admission standards.**

Chairman Brown informed the audience that there were documents on the dais: 1) a *Washington Post* article entitled "Largest for-profit U.S. university expects to be put on probation by accreditor" dated February 26, 2013 and 2) an *Inside Higher Ed* magazine article entitled "University of Phoenix faces possible probation by accreditor", dated February 26, 2013.

Chairman Brown said this request is similar to the prior one in that it asks to have Fayette County's name in connection with something. He stated once again that he was leery about what Fayette County should endorse. He pointed out that in higher education circles, University of Phoenix has had some difficulties, and he mentioned the findings from the articles cited on the dais.

Commissioner Ognio moved to not approve staff's recommendation to enter into an Alliance Memorandum of Understanding with the University of Phoenix that will provide a five percent (5%) tuition reduction to Fayette County's employees who meet the University's admission standards. Commissioner Barlow seconded the motion. Discussion followed. The motion not to approve passed unanimously. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

- 11. Approval of staff's recommendation to enter into an Intergovernmental Agreement between Spalding County and Fayette County for the replacement of the McIntosh Road Bridge over the Flint River, and to ratify the Chairman's signature on the agreement.**

Chairman Brown said Fayette County has been working for some time with Spalding County to repair the McIntosh Road Bridge, that the bridge is rated at 9.2 on a scale ranging from one to one-hundred. He stated that the new Board in Spalding County has been very gracious and willing to work with the County, and he stated that the Fayette County Board of Commissioners thanks the Spalding County Board of Commissioners for stepping up and helping to take care of a situation that needed to be taken care of a long time ago. A copy of the request and Intergovernmental Agreement, identified as "Attachment 12", follows these minutes and is made an official part hereof.

- 12. Approval of staff's recommendation to authorize the Chairman to sign an Executive Session Affidavit stating the Board entered into Executive Session on August 15, 2013 for the purpose of reviewing the June 27, 2013 Executive Session Minutes. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.**

- 13. Approval of the August 15, 2013 Board of Commissioners meeting Minutes.**

**OLD BUSINESS:**

There were no Old Business items on the Agenda.

**NEW BUSINESS:**

- 14. Consideration of staff's recommendation to adopt Ordinance 2013-11 amending the Fayette County Code of Ordinances, Chapter 3. Alcoholic Beverages, to provide severability; to repeal conflicting laws, ordinances, and resolutions; to provide an effective date; and for other purposes allowed by law, and adoption of the Proposed Alcohol Fee Schedule.**

Community Development Director Pete Frisina stated that this proposed Ordinance did not really amend the Fayette County Code of Ordinances as much as it organized and streamlined the ordinances. He pointed out that staff was also looking for an adoption of the proposed fee schedule. He explained that the current ordinance was comprised of three sections and that this effort would take all three sections and combine them into one section. He told the Board that currently, in many cases, there was redundancy in the rules within three sections, and in other current cases there were three sections that said three different things. He said this effort started last year when Officer Kathy Hobbs was in the Marshal's Office, and that Officer Hobbs worked on this process so that it would be complete before the application process began in the 2014 calendar year. Mr. Frisina said Officer Hobbs and Officer Derbyshire would administer the ordinance, and then he turned the floor over to Officer Hobbs.

Code Enforcement Officer Kathy Hobbs said this project had taken several years for her to complete, and that when she was in the Marshal's Office she was given the task to take over the alcohol enforcement. She explained that, as sworn police officer, when an ordinance is read the desire is to enforce the ordinance by the way it is written. She told the Board that, unfortunately, the way the ordinance was written over thirty years ago, it was very out of date. She said there were several issues that were unenforceable and that the County had not even raised its fees and schedules over those years. She pointed out that the newly proposed fee schedule was comparable to other local jurisdictions. Officer Hobbs said another problem that was encountered concerned employees and owner / managers, since the County required the owner of the licensee's spouse to have to have a background check just like the owner did. She said there were a lot of problems with that, moreover, many corporations were asked to provide a list of their stockholders due to the way the ordinance was written. She said she worked with Interim County Attorney Dennis Davenport and Interim Assistant County Attorney Patrick Stough on this matter, but unfortunately this was another thing that had to be addressed that has not been taken care of for thirty years. She asked the Board to adopt Ordinance 2013-11, and to understand that amendments may need to be made in the future. She explained that the County would have one Ordinance instead of three sections, and that the Ordinance would be compatible for "on-premises which is distilled, alcohol, malt beverage, and wine". She told the Board it would also have retail package sales and other state requirements. Officer Hobbs informed the Board that last year the County made everyone do surveys, but there were a lot of people who had existing licenses who did not have a survey in file for the County to document their actual locations as required by the State of Georgia. She said that as of last year everyone is in a grand-fathered status, so when the Ordinance goes into effect it will not affect any of the existing businesses as they are today. Officer Hobbs said the Ordinance added family violence and sexual crimes to the ordinance. She told the Board that currently the only thing that prevented someone from getting a package license was if a person had been convicted or plead guilty to anything involving alcohol, but that this ordinance would require the owners of companies to be a little more responsible for what actually goes on in their businesses, and that the owner has to hold to the same standards that the employees do. She said the ordinance would allow for an on-premises location to be approved with the same setbacks, and that a local restaurant could cater to a location such as a banquet hall by permit. Chairman Brown thanked Officer Hobbs for putting in so much work. Discussion followed.

Interim County Attorney Dennis Davenport informed the Board that it needed to concern itself with the area of excise taxes, located in Article V of the Fayette County Code of Ordinances. He explained that the way the proposed Ordinance 2013-11 reads, and if it was to be approved by the Board, then Article 5 would be deleted in its entirety, and it would enact the new ordinance. He suggested that the Board consider a caveat that would not delete the current chapter in its entirety, but would preserve Article V as excise tax. He said the County did not want to lose the excise tax portion. Further discussion followed.

Commissioner Barlow moved to approve staff's recommendation to adopt Ordinance 2013-11 amending the Fayette County Code of Ordinances, Chapter 3. Alcoholic Beverages, to provide severability; to repeal conflicting laws, ordinances, and resolutions; to provide an effective date; and for other purposes allowed by law, and to adopt the proposed Alcohol Fee Schedule. Mr. Davenport suggested that Commissioner Barlow augment his motion to include an addition to reserve current Article V in the code relating to excise taxes so it is not lost with the adoption of Ordinance 2013-11. Commissioner Barlow agreed to add Mr. Davenport's recommendation to the motion. Commissioner McCarty seconded the motion. No discussion followed.

The motion to approve staff's recommendation to adopt Ordinance 2013-11 amending the Fayette County Code of Ordinances, Chapter 3. Alcoholic Beverages, to provide severability; to repeal conflicting laws, ordinances, and resolutions; to provide an effective date; and for other purposes allowed by law, to adopt the proposed Alcohol Fee Schedule, and to reserve current Article V in the code relating to excise taxes so it is not lost with the adoption of Ordinance 2013-11 passed unanimously. A copy of the request and Ordinance 2013-11, identified as "Attachment 14", follows these minutes and is made an official part hereof.

### **ADMINISTRATOR'S REPORTS**

**Voting Delegate at the ACCG Legislative Leadership Conference:** County Administrator Steve Rapson informed the Board that every year each county has to delegate a Voting Delegate to ACCG for the upcoming Legislative Leadership Conference. He told the Board that in previous years County Administrator Jack Krakeel had been the Voting Delegate, and that Commissioner Allen McCarty served in the position last year. Discussion followed.

Commissioner Barlow moved to allow Commissioner McCarty to serve as Fayette County's Voting Delegate at the upcoming Legislative Leadership Conference. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

**Direction on Board Appointments:** County Administrator Steve Rapson informed the Board that there were some upcoming appointments were to become vacant in the upcoming months. He explained that some of the expiring positions were on the Planning Commission, that the Planning Commission appointments were assigned by the Commissioners' posts, and he asked the Board if it wanted to continue advertising or if it wanted to follow the traditional practice of allowing each Commissioner to choose a nominee. The Board agreed to continue to advertise for these positions, irrespective of posts. Mr. Rapson then asked if someone wants to reapply for a position, would that applicant go through the interview process as well. The Board agreed that a person reapplying for a position should go through the interview process as well.

**Response to John Munford's Questions:** County Administrator Steve Rapson responded to each of the questions Mr. John Munford posed during the Public Comments section of the meeting. The following are Mr. Rapson's response to the questions posed by Mr. Munford:

- 1) **How many times did you meet with the County Administrator about Water System issues prior to and following the conclusion of his internal investigation?** Mr Rapson said that was a broad question since he met with each Commissioner, individually, at least once or twice a day, both prior to, given all the issues with the Water System, and following the conclusion of his investigation when he handed out disciplines on Friday, August 23, 2013. He said he called each Commissioner individually and let them know of his decision.

- 2) **How many other Commissioners were in the room at the time, who were they, and exactly what penalties did you advocate for and why?** Mr. Rapson stated that he thought this question was tied to the third question. He then answered that he would likely be advised by Interim County Attorney Dennis Davenport that no records are responsive to the request since there were no illegal meetings and there was no type of joint exercise in relation to his decision that he made last Friday. He clarified that he reached his decisions on his own after conducting the investigation. He emphasized that there was no illegal meeting, but ultimately the Board of Commissioners, to a man, allowed him to do his job.
- 3) **Are you one-hundred percent sure that the penalties enacted will prevent significant issues?** Mr. Rapson answered that he did not think anybody would ever say they are ever going to be one-hundred percent sure of anything, so he admitted he was unsure how to answer the question.
- 4) **What other steps beyond the employee punishment have been taken to ensure the Water System gets back on track?** Mr. Rapson answered that primarily he, as the County Administrator, said he would conduct personnel discipline in a professional manner using the adopted Board policy in regards to the personnel policy. He thought that the discipline that was rendered established accountability and it ensures that the problems will be addressed either by those individuals or their replacements. He emphasized that either way the problems would be addressed on his watch.

**Statement on the Sanitary Survey Reports:** County Administrator Steve Rapson said he thought Mr. Munford's third question was in regard to the Sanitary Survey, and he told the Board that he had a statement he wanted to read about the Sanitary Survey. The following is the statement, as read:

The Water System's Sanitary Survey Report is a draft EPD report of findings. I think we keep glossing over this report, this is a draft report, one on which the County has 45 days in which to respond. Forty-five days. We have been working on a formal response. Before I left for vacation, we gave a whole list of things to do. Staff has been working on a formal response, analyzing the previous report findings, identifying areas of concerns, identifying the Notice of Violations and deficiencies and how to fix those. For over the past month, and our response is due to EPD on September 9, 2013. When Fayette County's response is released, it will reflect numerous positions of disagreement with the Notice of Violations, as well as the deficiencies reflected in that report. This is the normal way it has been handled, it is the same way previous administrations have handled it as well, it is the same way other counties and other jurisdictions handle these Sanitary Surveys. I urge caution in reaching a conclusion prior to the release of Fayette County's formal response.

**Open Records provided to the Media:** County Administrator Steve Rapson reported that all Open Records Requests that have been in the paper, including the McKinley letter, the individual disciplines, all of the actions that have occurred, all of those items were explicitly detailed in about a 1"-package and provided to *Fayette Daily News* reporter Pat Cooper and to *The Citizen* reporter John Munford at the beginning of the meeting. He explained that under Georgia law, when a complaint is being investigated that will result in personnel action, associated documents do not have to be released until after the action is taken. He told everyone that once action is taken, the records can be released, under Georgia law, ten days later. Mr. Rapson pointed out that "ten days later" would mean Friday, September 6, 2013. He said the reason he chose to wait four days to release information tonight was because, under the County's personnel policy, employees have a right to appeal his decision for five days; with the five-day appeal deadline expiring on August 30, 2013. He acknowledged that he was taking a risk in releasing the information early, but he believed a sense of accountability has been put into place, that the records will document who was disciplined and what the disciplinary actions are. He concluded that there are no open records that have not been released. He mentioned that part of the problem is that the Board and administration are transparent and



that requests for information are often responded to within the same day, so when an answer is not received quickly it is not always received favorably. He thought there was a good relationship with the press, he hoped those relationships would be maintained, and that there would be disagreements from time to time.

### **ATTORNEY'S REPORTS**

**Threatened Litigation:** Interim County Attorney Dennis Davenport informed the Board that he had one item for Executive Session involving threatened litigation.

### **COMMISSIONERS' REPORTS**

**Commissioner Oddo:** Commissioner Oddo said he did not want to make light of the situation, but that the water situation has been an ongoing soap opera. He acknowledged that he had not made his thoughts public on the matter, but that he wanted to make his thoughts public on the matter. He then read a prepared statement concerning the issues surrounding the Water System in Fayette County. The following is Commissioner Oddo's statement as read:

The test of one's mettle is not to keep going when going is easy, the true test is to keep on going when the going gets tough and there is nothing but turbulence in front of you. The water situation we've navigated over the past few months has hardly been a pleasure cruise; rather it's been a perfect storm of a number of problems aligning at the same time. The problems, thankfully, have not been life threatening. But without question, we are very lucky. The situation could have been much worse. The silver lining is by coming to light these problems are a wake-up call, and now improvements are not far off. In the end, only a superior water system will suffice but that cannot be done overnight. What we can do now is put the process in place to make the changes we need to make. As easy as it can be to lay blame, the true measure of leadership is to keep focused on the problem, get to the bottom, and resolve the issues. The reason I have purposefully kept a low public profile on the issue, while the investigation has been moving forward, the time for my public comment has not been while facts are still elusive and corrective actions cannot be based on fact. Pronouncements by any government official, by the news media, or by the public on the state of affairs of the Water Department, before all the facts have been ascertained and the problems understood, is a serious disservice to our County. It is in the best interest of our citizens that we not play a blame game; such conduct serves only to inflame passions, diminish subjectivity, and greatly enhance the odds of our running headlong over the cliff towards the wrong conclusion. It is the absolute right of our citizens to expect and receive wise governance, and it is the obligation of this Board of Commissioners to weigh all the facts so that we all arrive at a fair conclusion in the best interest of all Fayette Countians; despite what public pressure may otherwise have us do. I commend Mr. Rapson for staying focused and for insisting on the right balanced approach, always with his goal of remaking the Water Department into a class act. And I agree wholeheartedly with his conclusions. To paraphrase an old saying, Mr. Rapson does not let water run under his feet with his remedial efforts. He has been fully involved with EPD and the Board of Commissioners in resolving the problems and keeping us apprised, and is absolutely intent on fulfilling the desire of the Board of Commissioners to make our Water Department a top-notch facility. As Vice-Chairman of the Fayette County Board of Commissioners, I am taking this opportunity to express my complete support of Mr. Rapson's handling of the situation and the plan he has instituted to correct the deficiencies. He has been thorough, and his plan targeted, and I have no doubt that corrections will begin immediately and success is in the offing. Shortly, all the facts will be public. I trust you will agree that we have taken a huge step in the right direction as we remake our Fayette County Water Department. As always, I am available and accessible to talk with each of you, and consider it a privilege to do so. And as always, I welcome your input.

Commissioner Oddo closed his comments by wishing everyone a Happy Labor's Day.

**Commissioner Ognio:** Commissioner Ognio said he wanted to address the water situation as well, and he said that while he did not coordinate with anyone it was similar to what others already said, and that he had a statement concerning the Water Department. The following is Commissioner Ognio's statement as read:

For all the citizens out there who wanted to see the Water Department employees terminated, they clearly don't understand the County has personnel policies that must be followed. If they are not followed, then employees can sue the County, they can get cash rewards, they can even get their jobs back. I sure would not like to raise the millage rate to pay for personnel lawsuits. Nor would I like having someone that was fired [to come] back; that creates lots of other problems. Now that being said, you probably want to know where I stood in relation to the employees being terminated. That is something you will never know, because these matters should not be expressed because no matter which way they are, if further discipline is needed, whatever was said will be brought up. I am standing behind Mr. Steve Rapson's decision, and we will keep close watch to see that improvements are made in all areas: water quality, personnel training, equipment maintenance, and facility improvements.

**Commissioner McCarty:** Commissioner McCarty asked Mr. Munford if he still wanted an email from each Commissioner. Mr. Munford replied that his boss wanted emailed responses from each Commissioner. Commissioner McCarty added that if the County had fired all the Water System employees as some suggested, that it would have a Water System with no employees. He pointed out that through his long experiences in broadcasting that he could count only three people that he had to terminate. He said his job was to correct the problems he was having with people, and in doing that he had people working for him who respected him, who worked with him, and who ended up doing a good job. He added that the Board's job and County Administrator Steve Rapson's job, was to find the problems and resolve them. He closed his statement saying Mr. Rapson was doing a fine job in resolving the problems.

**Commissioner Barlow:** Commissioner Barlow directed his comments to County Administrator Rapson while informing everyone that during the two weeks Mr. Rapson was gone the County was absent any quality leadership. He said the County had an individual who placed himself in a position of authority while not having the right to do so, and by doing so has created problems that did not necessarily have to be created and that everyone has to deal with it. He said that at no time did Mr. Rapson lose any of his personal integrity nor the integrity or quality of leadership that he has been providing the county. He applauded Mr. Rapson for the way he conducted himself while on vacation, and he apologized for the issues that people on the Commission caused him to deal with while he was on his personal vacation. He congratulated and thanked Mr. Rapson for returning to work.

**Chairman Brown:** Chairman Brown apologized to County Administrator Steve Rapson since he had to be called several times while he was on vacation, and that his employment contract should be modified to ensure that he is never outside of cell phone range again when he is on vacation. He acknowledged that the issues were a lot to deal with while on vacation. He pointed out that he has a relationship with Mr. Rapson that goes back over a decade, and there are many times where they have butted heads. He said the beautiful part about it is that when the issues are over, they "go eat a pizza and then we go on to the next issue." He stated that the greatest thing a person can have in life is good relationships, and when a person has good relationships it makes all the difference in the world. He said he appreciates the relationship he has had with Mr. Rapson, that there are times when they agree to disagree on issues, and that they have agreed to disagree on the current issues facing the Water System. He closed saying they would go on to other issues and start "plowing some ground." Chairman Brown next addressed the issue surrounding former County Attorney Scott Bennett, and he told everyone that the special solicitor's investigator dismissed the case. He told everyone that he spoke to the investigator and that it was a disappointing

experience. Speaking on behalf of the Board, he stated that if someone makes an Open Records Request for information on a Commissioner, that they would not take their computers home, have the hard drives wiped, and offer an excuse that there are several papers in a filing cabinet and if you would like to look through a few of those perhaps you can find what you are looking for or perhaps you cannot. He thought the dismissal lowered the standard for Open Records in the State of Georgia, and he thought the citizens of the State of Georgia lost out on the decision.

### **EXECUTIVE SESSION**

**Threatened Litigation:** Chairman McCarty moved to recess into Executive Session to discuss one item of Threatened Litigation. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 10:06 p.m. and returned to Open Session at 11:45 p.m.

**Executive Session Affidavit:** Commissioner Ognio moved to return to Official Session and to authorize the Chairman to sign the Executive Session Affidavit. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 15", follows these minutes and is made an official part hereof.

### **ADJOURNMENT**

Commissioner McCarty moved to adjourn the August 29, 2013 Board of Commissioners meeting. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned the August 29, 2013 meeting at 11:46 p.m.

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Floyd L. Jones, County Clerk

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Steve Brown, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 12th day of September 2013.

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Floyd L. Jones, County Clerk